

BC-MAIA HAN 12/7/58

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USAREUR HEIDELBERG

Bonn's 2176 rptd Berlin 457. 762,022/1-1658

Department has now received full text Kroeger article on legal status Berlin and is making analysis thereof which will be forwarded to Embassy and USBER upon completion. Meanwhile we agree with Embassy it would be inappropriate for Allies to issue at this time any formal statement which appears to be attempt rebut Kroeger thesis, particularly since article has apparently attracted relatively little attention Western press. Such action might tend create impression of concern or uneasiness our part over firmness our rights and legal position in Berlin and could give rise to feeling in public mind that our rights were in some way being effectively challenged. We think our most effective posture would be to take no notice of article beyond responding to any inquiries on subject to general effect that article, as typical of items published in QUOTE Deutsche Aussenpolitik UNQUOTE, quite clearly constitutes basically Communist propaganda statement rather than objective legal study and that in our view it hardly merits

Drafted by: EUR:GER:GPA:RCD  
1/29/58  
TDMcKiernan:erk

Telegraphic transmission and  
classification approved by:

Raymond E. Lisle

Clearances:

GER - Mrs. Dulles

L/EUR - Mr. Kearney

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serious reading or comment.

Should there be further developments which would lead Embassy or Mission to feel that statement on subject should be made either unilaterally or tripartitely, interim guidance could be taken from memorandum enclosed A-465 November 14, 1955 and Kommandatura study DK/AHC(55)19 enclosed Berlin's despatch 705 March 10, 1955. ~~Would also be appropriate to cite in this connection May 27, 1952 Three Power Declaration on Berlin and subsequent reaffirmations~~

Hester

ACTING

(HJ)

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